IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3363 OF 2006

Smt.Mrudula Ravindra Mahashbde ..Petitioner

Vs.

The Executive Engineer,
Malegaon Urbancum Rural Division,
M.S.E.D.Co.Ltd. Malegaon ..Respondent

Mr.P.N.Joshi for the petitioner

Mr.A.R.S.Baxi for respondent no.1

CORAM : A.P.DESHPANDE, J

DATED : 20TH NOVEMBER, 2006

P.C.:

1. An order passed by the electrical inspector dt.27.1.06 is challenged by filing this petition. The learned counsel for the respondent raises a preliminary objection to the maintainability of this writ petition. My attention is invited to the provisions contained in s.36(2) of the Indian Electricity Act, 1910 which provides that the appeal shall lie from the decision of the Electricity Inspector to the appropriate government or to an advisory board if so constituted by the

appropriate government by general or special order.

2. The learned counsel for the respondent submits that no advisory board is constituted and the appeal lies to the State Government. In this view of the matter, the learned counsel for the petitioner seeks leave to withdraw the writ petition with liberty to file an appeal with the appropriate Government. Allowed to be withdrawn with liberty as prayed for. It is made clear that the State Government shall decide the appeal on merits despite their being some delay in filing an appeal on account of this writ petition.

(SHRI A.P.DESHPANDE, J)